

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

v.

LARRY VEGA, JR.

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CRIMINAL NO. 6:98-cr-00040-LED-JDL

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On December 18, 2014, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant. The government was represented by Richard Moore, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Ken Hawk.

On March 8, 1999, Defendant Larry Vega, Jr. was sentenced before U.S. District Judge William M. Steger after pleading guilty to the offense of Possession with Intent to Distribute Cocaine Base, a Class C felony. This offense carried a statutory maximum imprisonment term of 20 years. The United States Sentencing Guideline range, based on a total offense level of 17 and a criminal history category of III, was 30 to 37 months. Defendant was sentenced to 30 months imprisonment and 3 years supervised release, plus special conditions including, in pertinent part, that Defendant shall report to the probation officer as directed by the Court or probation office, and shall submit a truthful and complete written report within the first five days of each month. On June 16, 2006, Defendant completed the term of imprisonment and began his period of supervised release.

In its petition, the government alleges in pertinent part that Defendant violated the terms of supervised release by failing to submit monthly report forms within the first five days of: 1)

July, August, September, October, and December 2006; and 2) January, March, April, May, June, and July 2007. Therefore, should the Court find by a preponderance of the evidence that Defendant violated the terms of supervised release, Defendant will be guilty of committing a Grade C violation. U.S.S.G. § 7B1.3(a)(2) indicates that upon a finding of a Grade C violation, the Court may: 1) revoke probation or supervised release; or 2) extend the term of probation or supervised release and/or modify the conditions of supervision. Considering Defendant's criminal history category of III, the Guideline imprisonment range for a Grade C violation is 5 to 11 Months. U.S.S.G. § 7B1.4(a).

At the December 18, 2014 hearing, Defendant pled true to the allegation above. The government recommended that Defendant Larry Vega, Jr. be committed to the Bureau of Prisons at Fort Worth, Texas, for 5 months with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, the Court RECOMMENDS that Defendant Larry Vega, Jr. be committed to the custody of the Bureau of Prisons for 5 months with no supervised release to follow. The Court further RECOMMENDS that the place of confinement be Fort Worth, Texas.

Defendant has waived his right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to U.S. District Judge Leonard Davis for adoption immediately upon issuance.

So ORDERED and SIGNED this 22nd day of December, 2014.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE